

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 215

HOUSE BILL 2228

AN ACT

AMENDING SECTION 23-485, ARIZONA REVISED STATUTES; RELATING TO SPECIAL BOILER INSPECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-485, Arizona Revised Statutes, is amended to
3 read:

4 23-485. Special inspectors

5 A. The division, upon the request of any company authorized to insure
6 against loss from explosion of boilers or lined hot water storage heaters in
7 this state, may issue to any inspector of that company a certificate as a
8 special inspector. The division may also, upon the request of any company
9 operating boilers or lined hot water storage heaters in this state, issue to
10 any inspector of the company a certificate as a special inspector. Before
11 receiving a certificate, the inspector must satisfactorily pass a written
12 examination given by the division.

13 B. A certificate as a special inspector in this state shall be issued,
14 in lieu of such examination, if the inspector holds a certificate of
15 competency as an inspector of boilers or lined hot water storage heaters for
16 a state that has a standard of examination substantially equal to that of
17 this state or a commission as an inspector of boilers and pressure vessels
18 issued by the national board of boiler and pressure vessel inspectors.

19 C. A certificate as a special inspector for a company operating
20 boilers or lined hot water storage heaters in this state shall be issued only
21 if, in addition to meeting the requirements of this section, the inspector is
22 employed full time by such company and the inspector's duties include making
23 inspections of boilers or lined hot water storage heaters to be used by such
24 company and not for resale.

25 D. Each company employing such special inspectors, within sixty days
26 following each boiler certificate inspection made by the inspectors, shall
27 file a report of the inspection with the division upon appropriate
28 forms. Reports of external inspections shall not be required except when
29 such inspections disclose that the boiler or lined hot water storage heater
30 is in a dangerous condition.

31 E. All insurance companies shall notify the division of all boilers or
32 lined hot water storage heaters upon which insurance is written. All
33 insurance companies shall also notify the division of all boilers or hot
34 water storage heaters upon which insurance is cancelled, not renewed or
35 suspended because of unsafe conditions.

36 F. THE FURNISHING OF BOILER CERTIFICATE INSPECTIONS, AS AUTHORIZED BY
37 THE COMMISSION PURSUANT TO SECTION 23-475, THAT ARE CONDUCTED INCIDENTAL TO
38 THE ISSUANCE OR RENEWAL OF BOILER AND MACHINERY INSURANCE WHEN PERFORMED IN
39 ACCORDANCE WITH THE STANDARDS AND REGULATIONS ADOPTED BY THE COMMISSION SHALL
40 NOT SUBJECT AN INSURER, WHETHER DOMESTIC OR FOREIGN, ITS AGENTS OR ITS
41 EMPLOYEES TO LIABILITY FOR DAMAGES FOR ANY ACT OR OMISSION IN THE COURSE OF
42 PERFORMING INSPECTIONS AS PROVIDED BY THIS SECTION. THIS SECTION DOES NOT
43 APPLY IF THE GROSS NEGLIGENCE OF THE INSURER, ITS AGENT OR ITS EMPLOYEE
44 CREATED THE CONDITION THAT WAS THE PROXIMATE CAUSE OF THE INJURY, DEATH OR
45 LOSS.

~~APPROVED BY THE GOVERNOR MAY 20, 2008.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2008.~~